

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS  
FEBRUARY 5, 2019**

**ITEM 5**

**SUBJECT**

CONSIDERATION OF A PROPOSED RESOLUTION ADOPTING UPDATES TO THE CANNABIS CULTIVATION POLICY – PRINCIPLES AND GUIDELINES FOR CANNABIS CULTIVATION

**DISCUSSION**

On June 27, 2016, Governor Brown signed Senate Bill 837<sup>1</sup>, which among other things, codified Water Code section 13149 and authorized the State Water Board to adopt interim and long-term principles and guidelines (requirements) for cannabis cultivation as part of a state policy for water quality control. The State Water Board adopted the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* ([Cannabis Policy](#)) in October 2017 to minimize water quality degradation and low-flow impacts associated with cannabis cultivation. The Cannabis Policy became effective upon Office of Administrative Law approval in December 2017.

On September 28, 2018, the State Water Board released a [Notice of Opportunity for Public Comment, Staff Informational Workshop, Board Workshop, and Public Hearing to Consider Adoption of Proposed Updates to: \(1\) Cannabis Cultivation Policy; and \(2\) General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities](#). The proposed updates to the Cannabis Policy are focused on requirements related to:

- onstream reservoirs,
- tribal buffers, and
- requirements for conditionally exempt indoor cultivation sites

The updates also include minor clean-up and clarifications of the Cannabis Policy based on feedback received from stakeholders during initial implementation efforts. The comment period concluded on November 27, 2018. The State Water Board held a workshop on the proposed updates in Sacramento on October 16, 2018, and a staff informational workshop in Fortuna on November 8, 2018. The State Water Board received verbal comments from two individuals at the State Water Board's October 2018 workshop and 25 written comment letters during the initial public comment period. In response to comments, on January 10, 2019, the State Water Board released a [Notice of Opportunity for Public Comment Concerning Winterization Revisions to Proposed Updates to the Cannabis Policy and Staff Report](#). The comment period closed on January 25, 2019. All comments, from the September – November 2018 and January 2019 comment periods, were considered in development of the final proposed updates to the Cannabis Policy.

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<sup>1</sup> Statutes 2016, Chapter 32, Committee on Budget and Fiscal Review.

The proposed updates meet the requirements of Water Code section 13149(b)(1) and are categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15308<sup>2</sup>.

## **POLICY ISSUE**

Should the State Water Board adopt the proposed updates to the Cannabis Policy?

## **FISCAL IMPACT**

This activity is budgeted within existing resources. No additional fiscal demands will occur as a result of approving this item.

## **REGIONAL BOARD IMPACT**

None.

## **STAFF RECOMMENDATION**

Staff recommends that the State Water Board adopt the proposed updates to the Cannabis Policy.

State Water Board action on this item will assist the Water Boards in reaching Goals 3 and 6 of the Strategic Plan Update: 2008-2012. Goal 3 is to increase sustainable local water supplies for meeting existing and future beneficial uses and ensure adequate flows for fish and wildlife habitat. In particular, approval of this item will assist in fulfilling Objective 3.3 to ensure that adequate stream flows are available for the protection of fish and wildlife habitat while meeting the need for diversion of water for other uses. Goal 6 is to enhance consistency across the Water Boards, on an ongoing basis, to ensure our processes are effective, efficient, and predictable, and to promote fair and equitable application of laws, regulations, policies, and procedures.

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<sup>2</sup> California Code of Regulation section 15308. Actions by Regulatory Agencies for Protection of the Environment. *Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.*